

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JIMMY TAYLOR,)
v.)
Plaintiff,)
DEBRA GOMEZ,)
Defendant.)
CIVIL ACTION NO. 5:24-CV-436 (MTT)

ORDER

After screening Plaintiff Jimmy Taylor's recast complaint pursuant to 28 U.S.C. § 1915A, United States Magistrate Judge Charles H. Weigle recommends dismissing Taylor's recast complaint. Doc. 22. Taylor objected, so pursuant to 28 U.S.C. § 636(b)(1), the Court reviews the Recommendation de novo. Doc. 23. Taylor also filed a motion for service on Defendant Debra Gomez. Doc. 25.

Taylor's objection "reiterates the 'original statement of complaint' against Gomez. Doc. 24 at 3. After repeating his factual allegations, Taylor summarily maintains that his claims are "valid, true, and in no way frivolous." *Id.* at 9. But Taylor does not address any of the Magistrate Judge's reasons for recommending dismissal. As the Magistrate Judge explained, Taylor's 42 U.S.C. § 1983 claim is frivolous because a criminal defense attorney does not act on behalf of the state. See *Polk Cty. v. Dodson*, 454 U.S. 312, 318-24 (1981). Taylor's Federal Torts Claims Act claims are frivolous because he does not allege that Gomez is a federal employee. See *United*

States v. Muniz, 374 U.S. 150, 165 (1963). And Taylor ignored a Court order despite being forewarned that failure to comply may result in dismissal. See Docs. 21; 22.

In sum, Taylor's objection merely restates the same arguments presented in his initial complaint. After review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 23) is **ADOPTED** and made the Order of the Court. Accordingly, Taylor's recast complaint (Doc. 22) is **DISMISSED** without prejudice and his motion for service (Doc. 25) is **TERMINATED** as moot.

SO ORDERED, this 8th day of April, 2025.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT